

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SPECTRUM WT, *et al.*,
Plaintiff,

v.

WALTER WENDLER,
Defendant.

Case No.: 2:23-cv-00048-Z

Hon. Matthew J. Kacsmark

[PROPOSED] ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

The Court has fully considered Plaintiff Spectrum WT's Motion for Summary Judgment, the parties' briefing, and the parties' summary judgment evidence. Under Federal Rule of Civil Procedure 56 and Local Rules 56.1–56.7, the Court finds no genuine dispute as to any material fact on the First, Second, and Third Causes of Action alleged in Plaintiff's First Amended Complaint [Dkt. 28]. The Court therefore **GRANTS** Plaintiff's Motion for Summary Judgment.

Accordingly, the Court hereby **ORDERS** that:

1. Defendant Wendler and his employees, agents, servants, officers, and persons in concert with Defendant, are permanently enjoined from enforcing President Wendler's ban on drag shows in campus facilities generally available for student group use.
2. Defendant and his employees, agents, servants, officers, and persons in concert with Defendant, are permanently enjoined from enforcing any of the viewpoint and content-discriminatory prohibitions on expressive activity contained in President Walter Wendler's March 20, 2023 email titled "A Harmless Drag Show? No Such Thing," when making West Texas A&M University facilities or spaces available to Plaintiffs or other student organizations.
3. Plaintiff is entitled to its reasonable attorney fees under 42 U.S.C. § 1988.

4. Plaintiff is entitled to its costs.

Further, the Court **DECLARES** that:

1. President Wendler violated the First Amendment by cancelling Plaintiff's proposed 2023 and 2024 drag performances at West Texas A&M University;

2. President Wendler's pledge to prevent expressive activity similar to Plaintiff's proposed 2023 and 2024 drag performances at West Texas A&M University violates the First Amendment to the United States Constitution.

A final judgment consistent with this Order is forthcoming.

SO ORDERED.

January ____, 2026

MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE